IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 5279 of 2001

Between:

1. G.Showramma, D/o.Showreddy, A/55,

Working as H.M. of St.Mary's Girls High School,

Anantapur

2. G.Rohini, D/o.Ramanatharao, A/45 yrs.

Gr.II Telugu Pandit, R/o.Anantapur

3. S.Akhila Babu, D/o.S.G..Ismail, A/57,

Craft teacher, Ananthapur

4. K.Kusuma Kumari, D/o.Isreal, A/42

P.E.T., Anantapur

5. J.Dayanandam, S/o.Jacob, A/34

Attender, Anantapur

6. G.Maria Rani, D/o.Show Reddy, Jr.

Asst. Ananthapur

.. Petitioner

AND

1. State of A.P. rep. By its Secretary,

Education Department, Secretariat, Hyderabad

2. The Director of School Education, A.P. Hyderabad

3. St.Marry's Girls High School rep. By its

Correspondent, Anantapur

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus directing the 1st and 2nd respondents to release the arrears of grant-in-aid of Rs.3,19,032-90 as assessed by the auditors deputed by the 2nd respondent to the posts held by the petitioners stated supra in the 3rd respondent institution covering from 1.3.1986 to 31.10.1989 forthwith.

Counsel for the Petitioner: M/s.N.K.ANNAPURNA DEVI

Counsel for the Respondents: G.P. for Education

The Court made the following :

ORAL ORDER:

The petitioners submit that the 1st petitioner was appointed as Headmistress on 9.7.1982, the 2nd petitioner was appointed as Teacher as Grade-II Telugu Pandit on 15.7.1985, the 3rd petitioner was appointed as Craft Teacher on 17.1.1983, the 4th petitioner was appointed as Physical Education Teacher on 1.9.1985, the 5th petitioner was appointed as Attender on 2.6.1967 and the 6th petitioner was appointed as Junior Assistant on 21.6.1984 in the 3rd respondent-school. The 3rd respondent-school was admitted to grant-in-aid vide G.O.Ms.No.326 Education (SSI-I) Dept., dated 17.10.1989. It is further stated that the grant-in-aid was released for the period 1.11.1989 to 28.2.1990 and they are entitled to the

released grant-in-aid amounts from the date of admitting the said posts to grant-in-aid i.e. 1.6.1986 till 31.10.1989 as per the orders of the Government in G.O.Ms.No.326, dated 17.10.1989. It is further stated that the Government issued orders in G.O.Ms.No.138 Education, dated 25.4.1994 refusing to pay arrears and the said orders of the Government were questioned on the file of this Court, which gave a direction to pay arrears to the petitioners therein. A similar order was also passed in W.P.No.22232 of 1995, which was allowed by a learned single Judge on 30.9.1997. Against which, a W.A.No.1745 of 1995 was filed, which was dismissed affirming the judgement of the learned Single Judge by an order, dated 6.8.1996. Challenging the writ appeal, the Government carried the matter to the Supreme Court, which was also dismissed holding that similar persons are entitled to the arrears from 1.8.1986.

It is further stated that this Court allowed similar writ petitions and one of such is W.P.No.23402 of 1995, dated 9.10.2001.

Following the said judgment, this writ petition is allowed directing the respondents to release grant-in-aid to the petitioners from the date of admitting their services to grant-in-aid till 31.10.1989 within a period of three months from the date of receipt of a copy of this order. No costs.

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(V.ESWARAIAH,J.)

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this Thursday the Twenty Sixth Day of August, Two Thousand and Four.

26th August, 2004.

bcj

To

1. The Secretary, State of A.P.,

Education Department, Secretariat, Hyderabad

2. The Director of School Education, A.P. Hyderabad

3. The Correspondent, St.Marry's Girls High School,

Anantapur

4. Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

5. Two C.D. copies